

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

HAROLD G. FLOYD, ID # 14417-031,	§	
	§	
Petitioner,	§	
	§	Civil Action No. 3:05-CV-2489-M
v.	§	
	§	
DAVID BERKEBILE, Warden,	§	
	§	
Respondent.	§	
_____	§	


**ORDER ACCEPTING FINDINGS AND RECOMMENDATION**  
**OF THE UNITED STATES MAGISTRATE JUDGE**

On November 30, 2007, United States Magistrate Judge Jeff Kaplan made Findings and a Recommendation. No objections were filed. The Court thus reviews the Findings and Recommendation for plain error. Finding no plain error, the Court accepts the Findings and Recommendation of the United States Magistrate Judge.

The Respondent has notified the Court that Petitioner was released from custody on November 20, 2007, and contends that his claims are therefore moot. The Court declines to dismiss the case as moot. The credit against the federal sentence that the Court has determined Petitioner is entitled to could support an alteration of the term of his supervised release. See 18 U.S.C. § 3583(e); *Johnson v. Pettiford*, 442 F.3d 917 (5<sup>th</sup> Cir. 2006). Thus, the Court concludes the case should be dismissed as moot.

**IT IS THEREFORE ORDERED** that the Findings and Recommendation of the United States Magistrate Judge are accepted.

SIGNED this 15<sup>th</sup> day of January, 2008.

  
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**BARBARA M.G. LYNN**  
**UNITED STATES DISTRICT JUDGE**  
**NORTHERN DISTRICT OF TEXAS**